

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

NOV 28

FCC-011J RCD

09 AM '02

In Re Applications of: ) WT DOCKET No.: 02-28

ALEE CELLULAR COMMUNICATIONS ) File No.: 11025-CL-P672-A-89

For Authorization To Construct)  
Nonwireless Cellular System )  
in Texas RSA 21 Market 672A )

Volume: 5

Pages: 654 through 658

Place: Washington, D.C.

Date: October 25, 2002

## HERITAGE REPORTING CORPORATION

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ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Application of: ) MM DOCKET No.: WT-02-28  
ALEE CELLULAR COMMUNICATIONS ) File No.: ????  
For Authorization to )  
Construct Nonwireline )  
Cellular System in Texas )  
RSA 21 Market 672A )

Courtroom TW-363  
Federal Communications  
Commission  
445 12th Street S.W.  
Washington, D.C.

Thursday,  
October 24, 2002

The parties met, pursuant to the notice of the  
Judge or Commission, at 9:00 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG  
Administrative Law Judge

APPEARANCES:

On behalf of Applicant:

David L. Hill, Esquire  
Audrey P. Rasmussen, Esquire  
Hall, Estill, Hardwick, Gable,  
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## APPEARANCES (continued):

On behalf of the Agency:

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Gilberto DeJesus, Esquire  
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Enforcement Division  
Hearing and Investigation Section  
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On behalf of Intervenor

(Miller Communications, Inc. & Ranger Cellular):

Donald J. Evans, Esquire  
Raymond J. Quianzon, Esquire  
Fletcher, Heald & Hildreth, P.L.C.  
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P R O C E E D I N G S

(9:00 a.m.)

JUDGE STEINBERG: We're on the record now. Mr. Hill?

MR. HILL: I have a preliminary matter, Your Honor. There was a meeting of the Alee partnership last night, and that partnership voted to dismiss the Texas 21 application, and I as their counsel move that that application be dismissed.

I will follow-up with a motion in writing within the next five business days. I will direct it to Your Honor and parties to this proceeding.

JUDGE STEINBERG: Okay. I am very shocked and surprised as I stated when you told me informally. I presume there will not be any objection to the motion to dismiss.

If Mr. Hill does not have any objection, when the motion to dismiss comes in, rather than waiting for response of pleadings, I would ask that either Mr. Evans or Mr. Quianzon, or Ms. Lancaster or Mr DeJesus call me and tell me if they're going to file.

You know, basically within a couple of days of receiving the motion, if you could just call me and tell me informally that you will not be objecting. That way I will not have to wait for the requisite period of time for

1 responses.

2 MR. HILL: Or Your Honor, I will solicit their  
3 position and recite it in the motion to dismiss.

4 JUDGE STEINBERG: Okay. Well, I guess this ends  
5 the hearing. But I would like to thank you all for your  
6 participation in the hearing, and I enjoyed most of it. I  
7 often say this at the end of the hearing, and I sincerely  
8 hope I never see any of you again. But I say that as a  
9 humorous thing because I know I will see a lot of you again.  
10 So we will close the record right now at this time. Thank  
11 you.

12 (Whereupon, at 9:05 a.m., the hearing in the  
13 above-entitled matter was adjourned.)

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REPORTER'S CERTIFICATE

DOCKET NO.: *WT02-28*

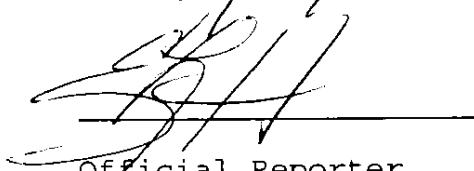
CASE TITLE: *Ake Cellular*

HEARING DATE: *10/25/02*

LOCATION: *FCC Bldg*

I hereby certify that the proceedings and evidence are  
contained fully and accurately on the tapes and notes  
reported by me at the hearing in the above case before the  
*FCC*

Date: *10/25/02*



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